

# STATE OF COLORADO

DEPARTMENT OF REVENUE  
State Capitol Annex  
1375 Sherman Street, Room 409  
Denver, Colorado 80261  
Phone (303) 866-5810  
Fax (303) 866-2400



## Colorado Department of Revenue Marijuana Enforcement Division

John W. Hickenlooper  
Governor

Barbara J. Brohl  
Executive Director

### Emergency Rules:

#### Revised Rules, Retail Marijuana, 1 CCR 212-2

Rule R 103 – Definitions

Rule R 604 – Retail Marijuana Products Manufacturing Facility: Health and Safety Regulations (rule re-named)

Rule R 712 – Retail Marijuana Testing Facility: Mandatory Sampling and Testing Program

Rule R 1004 – Packaging and Labeling Requirements of a Retail Marijuana Product by a Retail Marijuana Products Manufacturing Facility

Rule R 1006 – Packaging and Labeling of Retail Marijuana Product by a Retail Marijuana Store

Rule R 1501 – Retail Marijuana Testing Program – Contaminant Testing (rule re-named)

Rule R 1502 – Retail Marijuana Testing Program – Mandatory Testing

Rule R 1503 – Retail Marijuana Testing Program- Potency Testing

#### New Rules, Retail Marijuana, 1 CCR 212-2

Rule R 1004.5 – Packaging and Labeling Requirements of a Retail Marijuana Product by a Retail Marijuana Products Manufacturing Facility

Rule R 1006.5 – Packaging and Labeling of Retail Marijuana Product by a Retail Marijuana Store

### Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103 and 12-43.4-202, C.R.S, I, Barbara J. Brohl, Executive Director of the Department of Revenue and State Licensing Authority, hereby adopt the aforementioned revised Retail Marijuana Rules, which are attached hereto.

Section 24-4-103(6), C.R.S., authorizes the State Licensing Authority to issue emergency rules if the State Licensing Authority finds that the immediate adoption of the rule is imperatively necessary to comply with a state law or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest

I find that the immediate adoption of these revised rules is necessary to comply with the statutory mandates of the Retail Marijuana Code and to properly regulate and control the cultivation, manufacture, distribution, and sale of retail marijuana.

### **Statutory Authority**

The statutory authority for these rules is found at subsections 12-43.4-202(2)(b), 12-43.4-202(3)(a)(II), 12-43.4-202(3)(b)(III), and 12-43.4-202(3)(b)(IX); and Colorado Constitution Article XVIII, Subsection 16(5)(a)(II).

### **Purpose**

There are several purposes necessitating the revisions and additions to 1 CCR 212-2 on an emergency basis. The primary purpose is to help the State Licensing Authority effectively regulate the retail marijuana industry. For instance, the new and revised restrictions and testing requirements related to edible retail marijuana products help ensure the public is adequately protected when they purchase retail marijuana products. As one example, the State Licensing Authority is clarifying what constitutes a serving size for uniformity among the industry and is requiring that certain tests be completed before products are sold to consumers, thereby more adequately protecting the general welfare of the public.

The State Licensing Authority is adopting these rules on an emergency basis to assure the public is provided with notice of requirements related to edible retail marijuana products as soon as possible to ensure the safety of the public is protected. Adoption of these emergency rules will clarify standard serving sizes for edible products.

Simultaneously with the adoption of these emergency new and revised rules, the State Licensing Authority has filed a Notice of Rulemaking to commence the permanent rulemaking process. The process will also include the opportunity for substantial stakeholder and public participation, including working group meetings, the opportunity to submit written views and comments and the opportunity for public testimony at the rulemaking hearing.

These emergency rules are effective immediately upon adoption. The prior versions of Rules R 103, R 604, R 712, R 1004, R 1006, R 1501, R 1502, and R 1503, are hereby repealed and replaced by the attached emergency rules. New emergency Rules R 1004.5, and R 1006.5, 1 CCR 212-2, are hereby adopted. These emergency rules will remain in effect until replaced by permanent rules.



Barbara J. Brohl

Executive Director

Colorado Department of Revenue

State Licensing Authority

7/31/14  
Date